

REMARKS/ARGUMENTS

Claims 1-18 are pending in the present application. Claims 14-17 have been withdrawn pursuant to a restriction requirement. Claims 1-13 and 18 have been rejected under 35 U.S.C. §112. Claims 1-6 and 18 have been rejected under 35 U.S.C. §102. Claims 11-13 have been rejected under 35 U.S.C. §103.

An election of claims 1-13 and 18 was made during a telephone conversation with Examiner Luhrs on February 27, 2003. The restriction was respectfully traversed in order to preserve the issue for subsequent petition since the examination of all of the Claims 1-18 does not create an undue burden on the Office. Also, for example, the method of Claim 1 is used to make the apparatus of Claim 14, whereby the two claims are not independent and distinct as required by statute. Furthermore, different classifications as recited by the Office are not in and of themselves adequate grounds for restriction since the Office has historically allowed many applications containing both process and product claims in one patent application. The Applicants further disagree with characterizations relied upon by the Office to support distinctness of the groups.

In paragraphs 8-11 of the Office Action, the Office has made various rejections under 35 U.S.C. §112. Generally, the Office has rejected the claims as containing subject matter not described in the specification, as well as being indefinite for failing to particularly point out and distinctly claim the subject matter. It is respectfully submitted that the Office has relied upon the specific embodiment disclosed in Figures 4 and 6 of the application to support the various rejections under §112. The attention of the Office is respectfully directed to the specific embodiment illustrated in Figures 13 and 14 of the application, which are believed to support the present claimed invention. Withdrawal of the rejections under §112 is respectfully requested.

With respect to paragraph 12 of the Office Action, independent claims 1 and 18 have been rejected under §102(b) as being anticipated by Beckx. Claims 1 and 18 recite etching a dielectric spacer layer prior to forming a layer subsequent to the dielectric spacer layer in order

to form L-shaped spacers. Beckx discloses forming a layer subsequent to the dielectric spacer layer prior to forming the L-shaped spacers. Specifically, see layer 6, Fig. 1, of Beckx. Because Beckx does not disclose the recited invention of Claims 1 and 18, withdrawal of the rejection, under §102, of claims 1 and 18 is respectfully requested.

Since all of the pending independent claims are allowable, all of the dependent claims are likewise allowable. In addition, the dependent claims include further features not found in the cited references. Therefore, the Applicants have overcome all of the Office's rejections. Each of the pending claims in this application are therefore in condition for allowance and early notice to this effect is earnestly solicited.

No fees are believed to be due with this amendment and response. However, in the event it is determined any fees are due in association with this correspondence, please charge to the deposit account of Advanced Micro Devices, number 01-0365.

If for any reason the Office is unable to allow the application on the next Office Action, and feels a telephone conference would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney.

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents on <u>4/11/03</u> .	
Katrina Prati	<u>Katrina Prati</u>
Typed or Printed Name	Signature

Respectfully submitted,

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